

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI, and THOMAS SNYDER,

Plaintiffs,

Case No. 07-Civ-1215 (SJF)(ETB)

-against-

NOTICE OF MOTION

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually and in
his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity; SUFFOLK
COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT:
OF CIVIL SERVICE; and ALISON SANCHEZ,
individually and in her official capacity,

Defendants.

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Upon the Declaration of Kenneth A. Novikoff, dated April 25, 2011, the exhibits attached thereto, the Memorandum of Law dated April 25, 2011, the Defendants Incorporated Village of Ocean Beach, Mayor Joseph C. Loeffler, Jr., individually and in his official capacity, former mayor Natalie K. Rogers, individually and in her official capacity, and the Ocean Beach Police Department (collectively "Village Defendants"), by and through their undersigned attorneys, will move this Court, on May 16, 2011, at the Courthouse located at 290 Federal Plaza, Central Islip, New York 11722-4437, before the Hon. Sandra J. Feuerstein, for an Order: (1) pursuant to Fed.R.Civ.P. 54(d)(2)(A) requiring plaintiffs, jointly and/or severally, to compensate the Village Defendants for their reasonable attorneys fees with regard to plaintiffs' §§ 1983, 1985 and 1986

claims for relief alleging violations of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, since the Village Defendants were the “prevailing party” pursuant to 42 U.S.C. § 1988; (2) pursuant to Fed.R.Civ.P. 54(d)(2)(A) requiring plaintiffs, jointly and severally, to compensate the Village Defendants for their reasonable attorneys’ fees with regard each and every claim under §§ 1983, 1985 and 1986 asserted against Mayors Rogers and Loeffler in their individual capacities, since they were “prevailing parties” pursuant to 42 U.S.C. § 1988; (3) imposing sanctions against the law firm of Thomson, Wigdor & Gilly, and/or each plaintiff, pursuant to 28 U.S.C. § 1927, as it pertains to the filing and/or continued prosecution of: (a) their §§ 1983, 1985 and 1986 claims for relief based upon the alleged violation of the Fourteenth Amendment to the United States Constitution; (b) each and every claim under §1983, 1985 and 1986 asserted against Mayors Loeffler and Rogers in their individual capacities; (c) the New York State Labor Law § 740 claim, and; (d) the claim based upon the alleged “termination in violation of public policy”, and; (4) imposing sanctions against the law firm of Thomson, Wigdor & Gilly, and/or each plaintiff, pursuant to this Court’s inherent authority, as it pertains to the filing and/or continued prosecution of: (a) their §§ 1983, 1985 and 1986 claims for relief based upon the alleged violation of the Fourteenth Amendment to the United States Constitution; (b) each and every claim under §1983, 1985 and 1986 asserted against Mr. Loeffler and Ms. Rogers in their individual capacities; (c) the New York State Labor

Law § 740 claim, and; (d) the claim based upon the alleged “termination in violation of public policy,” and for such other and further relief as the Court deems fair and proper.

Dated: Uniondale, New York
April 25, 2011

Respectfully submitted,

RIVKIN RADLER LLP

By: /s/
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